

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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PERCY LAVAE BACON,

Plaintiff(s),

v.

OSWALD REYES, et al.,

Defendant(s).

Case No. 2:12-CV-1222 JCM (VCF)

ORDER

Presently before the court is *pro se* plaintiff Percy Bacon's motion to amend his prior motion to set aside the clerk's judgment. (Doc. # 160). The state defendants have filed a motion to strike in response. (Doc. # 161). Plaintiff filed a response to the motion to strike (doc. # 163), and defendants filed a reply (doc. # 164).<sup>1</sup>

Also before the court is plaintiff's motion for leave to file a substantial judicial notice.<sup>2</sup> (Doc. # 166). Defendants have not filed a response and the deadline to do so has passed.

Plaintiff continues to file frivolous motions in a case that this court closed on January 24, 2014. Further, plaintiff has previously moved for the same relief he has requested here. (*See* docs. ## 152, 154, 156). In the court's prior order striking plaintiff's frivolous requests, the court, warned plaintiff that, "[n]o further motions will be entertained in this closed case, and will instead be stricken without consideration." (Doc. # 159).

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<sup>1</sup> Plaintiff improperly filed his own reply to defendants' reply. (Doc. # 165).

<sup>2</sup> It is unclear to the court what plaintiff asks this court to take judicial notice of. Plaintiff's motion is titled, in full, "Motion for leave to file a substantial judicial notice to address the Ninth Circuit court of Appeals' concerns of the Nevada Departmental's [sic] use of MJ-48 instead of the state of Nevada's created for that sole purpose statute N.R.S. 209.451 which provides a single sanction and exhibits." (Doc. # 166 at 1).

1 Defendants ask that plaintiff's instant motion be summarily stricken in accordance with  
 2 this court's previous order. (Doc. # 161). In addition, defendants request for the second time that  
 3 the court refer plaintiff to correctional authorities for institutional disciplinary violations.<sup>3</sup> The  
 4 court has previously declined refer plaintiff to correctional authorities and has instead warned  
 5 plaintiff that, "plaintiff should take [the court's prior] order as a final warning that another frivolous  
 6 or non-complying motion will result in the court's reconsidering defendants' invitation." (Doc. #  
 7 158).

8 The court has fully considered plaintiff's arguments on multiple occasions and rejected  
 9 them each time. (*See, e.g.*, docs. # 29, 38, 87, 111, 113, 144, 158). Plaintiff has appealed several  
 10 of the court's decisions, and the Ninth Circuit has dismissed his appeals as "so insubstantial as to  
 11 not warrant further review." (*See* doc. # 148).

12 Accordingly,

13 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants' motion to  
 14 strike (doc. # 161) be, and the same hereby is, GRANTED.

15 IT IS FURTHER ORDERED that plaintiff's motion to amend his prior motion to set aside  
 16 the clerk's judgment (doc. # 160) be, and the same hereby is, STRICKEN.

17 IT IS FURTHER ORDERED that plaintiff's motion for leave to file a substantial judicial  
 18 notice (doc. # 166) be, and the same hereby is, DENIED.

19 IT IS FURTHER ORDERED that the court refers the matter to the appropriate authorities  
 20 with the Nevada Department of Corrections for consideration of possible imposition of  
 21 disciplinary penalties for major violation MJ48.  
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 26 <sup>3</sup> Under MJ48 of the NDOC Administrative Regulations, a major violation may be  
 27 committed by the following: "Any violation of the Rules of Court, contempt of court, submission  
 28 of forged or otherwise false documents, submissions of false statements, violations of Rules of  
 Civil Procedure and/or receiving sanctions and/or warnings for any such actions from any court.  
 Although not necessary for disciplinary purposes, any Order from any court detailing such action  
 shall be sufficient evidence for disciplinary purposes."

1 IT IS FURTHER ORDERED that, within fifteen days of entry of this order, defendants'  
2 counsel shall file a notice in the record that counsel has forwarded a copy of this order to the  
3 appropriate authorities within the Nevada Department of Corrections.

4 DATED June 22, 2015.

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6 UNITED STATES DISTRICT JUDGE  
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